

IN THE MATTER OF \* BEFORE THE  
 THE APPLICATION OF \* COUNTY BOARD OF APPEALS  
 JEFFREY W. SHELDON, ET AL \* OF  
 FOR VARIANCE ON PROPERTY LOCATED \* OF  
 ON THE SOUTH SIDE NICODEMUS ROAD, \* BALTIMORE COUNTY  
 400' WEST OF CHERRY VALLEY ROAD \* CASE NO: 92-406-A  
 (211 NICODEMUS ROAD)  
 4TH ELECTION DISTRICT  
 3RD COUNCILMANIC DISTRICT

**OPINION**

Jeffrey W. Sheldon petitions for a variance to construct a garage on his property at 211 Nicodemus Road. Mr. Sheldon, a licensed and self-employed plumber, testified in support of the Petition, and offered documents and evidence of support from the immediate neighbors. Additionally, the Board received the testimony of James W. Shea, Building Inspector. From the testimony, evidence and documents received, we find the following facts.

Originally Mr. Sheldon applied for a variance to construct an accessory structure at a height of 20 feet in lieu of the 15-foot standard for such a building. Upon re-measurement and consultation with Baltimore County officials, Mr. Sheldon determined that in fact the proposed building complies with the height requirement when properly measured, and therefore he withdrew his height variance request.

The only remaining determination is whether or not he should be granted permission to construct an accessory structure that is greater in square footage than the principal structure. The dwelling house on the subject property in which Mr. Sheldon resides is a very small older dwelling in this residentially-zoned but rural neighborhood. The total square footage of that house equals 1,557 square feet of living area, exclusive of the basement.

Case No. 92-406-A Jeffrey W. Sheldon, et al  
 Additionally, on the lots that comprise Mr. Sheldon's property exists a 10-foot by 18-foot shed in which he stores law furniture and barbecue grills and the like, and a 20-foot by 32-foot building where he stores miscellaneous lumber, a lawn tractor, and other supplies. The new proposed building for which Baltimore County granted a building permit, with the exception of the variance requested, will occupy part of the site of the existing 20-foot by 32-foot building, of which about 300 square feet will be demolished in order to make room for the new structure. The total of the square footage of the proposed building is 1,924 square feet. The square footage of the dwelling will then be less than the total of the outbuildings, necessitating the variance. The 10-foot by 18-foot building is too small by its construction and design to serve as a garage for a car or truck. Mr. Sheldon owns a truck, a van, an automobile and a boat, which he wishes to store in the new proposed garage depicted on an illustration marked as Petitioner's Exhibit 2.

Under Section 307.1 of the Baltimore County Zoning Regulations (BCZR), in order to grant the variance we must find that there exists a special condition or circumstance peculiar to the land or structure involved which causes undue hardship or practical difficulty should the variance not be granted as requested. We find that the unusually small living area of the existing dwelling constitutes such a special condition peculiar to the structure involved, and that to deny permission to construct the garage as proposed, which, under other circumstances, would be a reasonable size and in keeping with the character of other buildings in the

Case No. 92-406-A Jeffrey W. Sheldon, et al  
 neighborhood, constitutes practical difficulty. Additionally, given the size of the vehicles involved, no other outbuilding presently existing on the property could serve the purpose of sheltering them from the elements.

Mr. Sheldon entered into an Agreement and Declaration of Covenants with his neighbors who have no objection to the relief requested, provided he complies with the covenants entered as Petitioner's Exhibit 3. Pursuant to our findings and to Mr. Sheldon's Agreement and Declaration of Covenants, we believe that the legal test has been met, and will grant the variance requested.

**ORDER**

IT IS THEREFORE, this 5th day of January, 1994, by the County Board of Appeals of Baltimore County,

ORDERED that Petitioner's request to construct an accessory structure that is greater in square footage than the principal structure, as shown on Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the Agreement and Declaration of Covenants entered as Petitioner's Exhibit 3.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

William T. Hackett, Chairman  
 C. William Clark

S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 S/S Nicodemus Road, 400 ft. W \* ZONING COMMISSIONER  
 OF Cherry Valley Road \* OF BALTIMORE COUNTY  
 211 Nicodemus Road \* 4th Election District  
 3rd Councilmanic District \* Case Nos. 92-406-A  
 Jeffrey W. Sheldon, et al  
 Petitioners

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 211 Nicodemus Road.

The Petitioners/property owners by their Petition seek a variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a garage (accessory structure) to be a height of 20 ft., in lieu of the required 15 ft.; and from Sections 400 and 101 of the B.C.Z.R. to allow the said accessory structure to be larger in area than the principal dwelling, in lieu of the requirement that same be subordinate in size. All of the variances are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petitioners, Jeffrey W. Sheldon and Charles Sheldon, the property owners, appeared, testified and were represented by Thomas J. Lockhart, Esquire. Although no Protestants were present, the file does reflect correspondence from Derek Propolis, a Building Inspector for Baltimore County.

Mr. Jeffrey Sheldon testified and described the subject property. The site is a lot of 1.39 acres in size and is zoned D.R.2. It is improved by an existing dwelling which faces Nicodemus Road. To the rear/right side of the lot when facing same from the roadway, there is

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 Date 1/11/94  
 By [Signature]

located a 10 x 18 ft. existing garage. Further to the rear is a second existing building which measures 20 x 32 ft. The Petitioners propose constructing a new garage to be attached to the rear of the existing 20 x 32 ft. building. This building will be 32 ft. x 25 ft. in dimension. Further, it will be 20 ft. high, in lieu of the required 15 ft.; thus the need for the height variance. Further, because of its size, a variance from Sections 400 and 101 of the B.C.Z.R. are required, in that the accessory structure will be larger than the existing dwelling.

Mr. Sheldon further testified that a portion of the proposed structure has been built. He indicated that he was unaware of the need for a building permit when plans were originally made for construction. He testified that he has spent approximately \$4,600.00 in construction costs to date.

In his view, the variance should be granted for two (2) reasons. First, he points out the fact that construction has begun and that he has invested money in the building. Second, he testified that he needs additional storage. Particularly, testimony was elicited that he owns three vehicles; two cars, a truck, and one boat. The proposed building will house these vehicles. He further testified that the building will serve his general storage needs, as well.

Most enlightening testimony from Mr. Sheldon was his admission that he owns a plumbing and heating business which is conducted from this site. In fact, this corroborates a memorandum received from Inspector Derek Propolis of the Office of Zoning Enforcement. That memorandum summarizes the results of Mr. Propolis' inspection of the site. Within the existing 10 x 18 ft. garage, Mr. Propolis noticed a witch ditch and other plumber's supplies and equipment. Mr. Propolis also saw a red/white van

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 Date 1/11/94  
 By [Signature]

parked on the property, identified as belonging to Jeffrey Sheldon, Plumbing and Heating.

Operation of the plumbing business from this site is a zoning violation. As indicated, the property is zoned D.R.2 and is of residential/rural character. Operation of the business from the site and construction of the building without a permit demonstrates that the Petitioner has little regard for the integrity of this residential neighborhood and the zoning regulations. In my view, should the building be completed, it will be used to further the Petitioner's business and not for personal uses.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variances were denied. The testimony

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 Date 1/11/94  
 By [Signature]

presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variances. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variances requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1992 that a variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a garage (accessory structure) to be a height of 20 ft. in lieu of the required 15 ft.; and from Sections 400 and 101 of the B.C.Z.R. to allow the said accessory structure to be larger in area than the principal dwelling, in lieu of the requirement that same be subordinate in size, all in accordance with Petitioners' Exhibit No. 1, be and is hereby DENIED.

[Signature]  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
 Date 1/11/94  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning



Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21204

(410) 887-4386

July 16, 1992

Thomas J. Lockhart, Esquire  
 308 Main Street  
 Reisterstown, Maryland 21136

RE: Case No. 92-406-A  
 Petition for Zoning Variance  
 Jeffrey W. Sheldon and Charles H. Sheldon

Dear Mr. Lockhart:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
 Zoning Commissioner

LES:mmn  
 att.

- GENERAL NOTES**
- CENSUS TRACT 4044.01
  - ELECTION DISTRICT 4-B
  - COUNCILMANIC DISTRICT 3E
  - WATERSHED 27
  - SUBSEWERSHED 07
  - THE SITE CONTAINS NONE OF THE FOLLOWING (TO THE BEST OF OUR KNOWLEDGE)
    - HISTORIC BUILDINGS
    - ARCHAEOLOGICAL SITES
    - CRITICAL AREAS
    - ENDANGERED SPECIES HABITAT
    - UNDERGROUND TANKS (THIS AT ADJACENT SITES)
    - HAZARDOUS MATERIALS
  - ALL UNITS ARE FOR SALE
  - PANHANDLE DRIVEWAYS TO BE MAINTAINED BY HOMEOWNER
  - FOR PANHANDLE LOTS, NO REFUSE COLLECTION, SNOW REMOVAL OR MAINTENANCE BEYOND PUBLIC R.O.W.
  - BEST MANAGEMENT PRACTICES:
    - ALL AREAS EXCEPT THAT USED FOR BUILDINGS, SIDEWALKS AND PAVED PARKING WILL BE PLANTED WITH VEGETATED COVER AND/OR LANDSCAPED AS SOON AS POSSIBLE AFTER FINAL GRADING AND MAINTAINED IN SUCH CONDITION.
    - DIRT AND DEBRIS ACCUMULATING ON PRIVATE ROADS AND PARKING LOTS WILL BE REMOVED ACCORDING TO THE FOLLOWING SCHEDULE: MAY THRU OCTOBER, CONCURRENT WITH GRASS MOWING, NOVEMBER THRU APRIL, MONTHLY.
    - SNOW REMOVAL WILL BE BY MECHANICAL MEANS EXCEPT IN SEVERE SNOW AND ICE CONDITIONS, WHEN PILING COMPOUNDS MAY BE USED.
    - APPLICATION OF FERTILIZERS, HERBICIDES AND PESTICIDES WILL NOT EXCEED RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND COOPERATIVE SERVICES.
    - FILLING WILL NOT OCCUR IN GRASSES OR LINED DRAINAGE DITCHES OR SWALES.
  - LANDSCAPE PLANTING REQUIREMENT - ONE TREE REQUIRED FOR EACH UNIT TO BE BUILT (17 TREES)
  - THIS SITE AND ADJACENT SITES ARE SERVED BY PUBLIC WATER AND SEWERAGE
  - CLEANING WILL BE LIMITED TO THAT NECESSARY TO CONSTRUCT ROADS, UTILITIES, SWM PONDS AND HOUSES
  - THERE WILL BE NO PILING ALLOWED WITHIN 10' OF THE EDGE OF PAVING ON ALL PANHANDLE LOTS
  - UNIFORM PAINTS/NEWSPAPERS TRASH RECEPTACLES TO BE PROVIDED FOR PANHANDLE LOTS LANDSCAPING TO BE PROVIDED ALONG ALL PANHANDLE DRIVEWAYS. TRASH RECEPTACLES TO BE 16 G. MINIMUM.
  - THE BATHROOM GAS AND ELECTRIC R/W'S ARE NOT OWNED BY THE DEVELOPER AND WERE NOT USED IN THE DENSITY CALCULATIONS
  - SIDEWALKS ARE TO BE CONSTRUCTED ALONG ALL PUBLIC ROADS SERVING THIS SITE
  - THE RIGHT OF WAY FOR THE PUBLIC ROAD CROSSING OF THE B.G.V. PROPERTY TO BE ACQUIRED BY BATHURST COUNTY AND B.G.V. PROPERTY
  - LANDSCAPE SCREENING WILL BE PROVIDED BETWEEN S.W.M. FACILITY AND ADJACENT PROPERTY OWNERS
  - PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NEPA 101 LIFE SAFETY CODE, 1988 EDITION. WHEN WATER AND SEWER BECOME AVAILABLE THE EXISTING WELL WILL BE BACKFILLED BY A LICENSED WELL DRILLER AND A WELL ABANDONMENT REPORT SUBMITTED TO DEPRA. AND THE SEPTIC SYSTEM WILL BE PUMPED AND REMOVED OR BACKFILLED. THE EXISTING HOUSE WILL BE CONVERTED TO P.T.S. WATER AND SEWER.

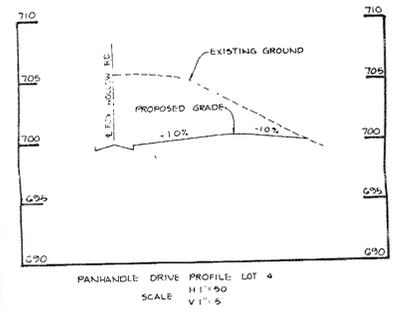
**SOIL TYPES & LIMITATIONS**

TYPE	CLASS	DWELLINGS (WITH BASEMENTS)	STREETS & PARKING LOTS
QcB2	FINE-LOAMY D	SLIGHT	MODERATE SLOPE
QcB2	FINE-LOAMY D	SLIGHT	MODERATE SLOPE
QcC2	FINE-LOAMY D	MODERATE SLOPE	SEVERE SLOPE
QcC2	FINE-LOAMY D	MODERATE SLOPE	SEVERE SLOPE
QcD	FINE-LOAMY C	SEVERE - HIGH WATER TABLE	SEVERE - HIGH WATER TABLE
MbC2	SANDY LOAMY D	MODERATE SLOPE	SEVERE SLOPE

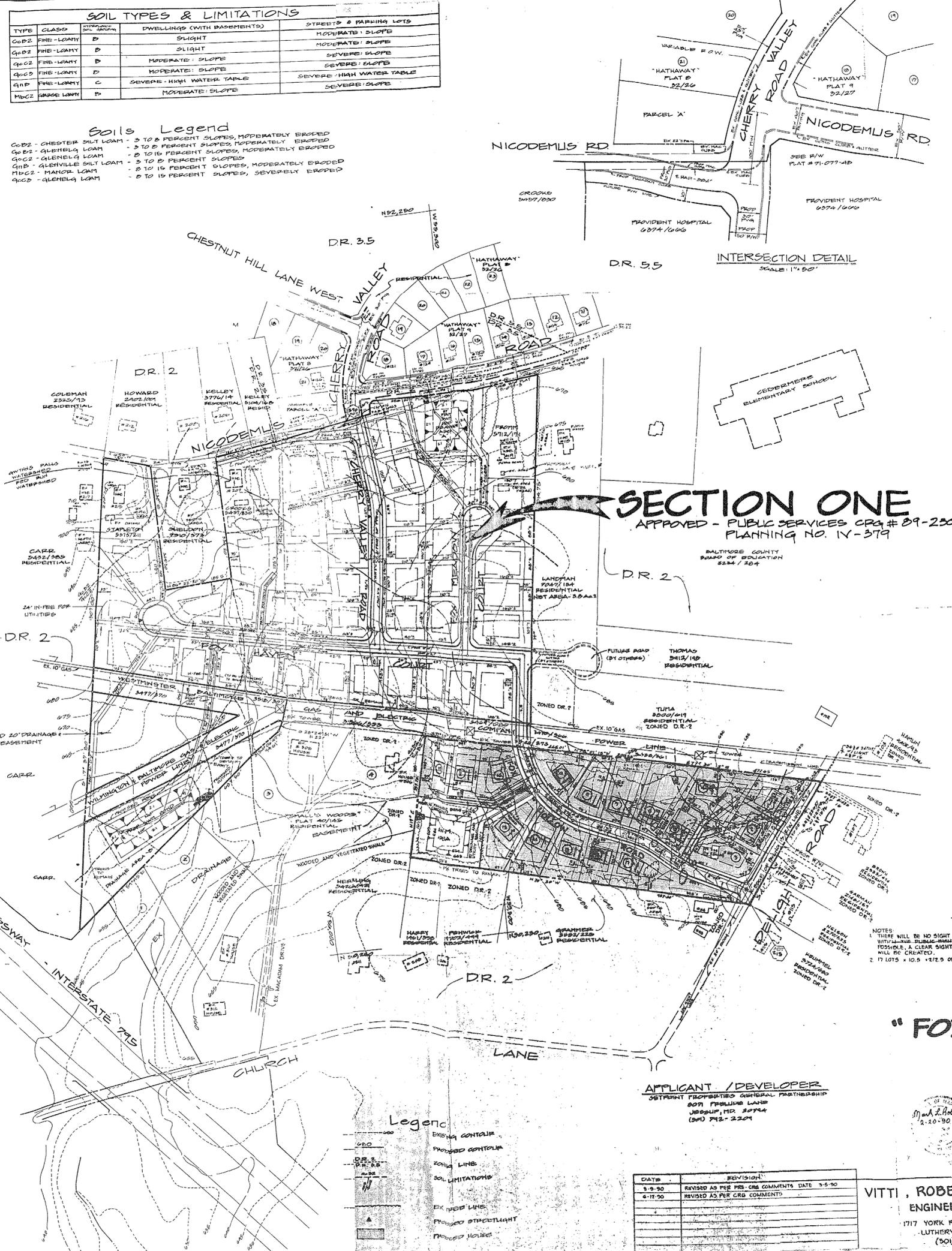
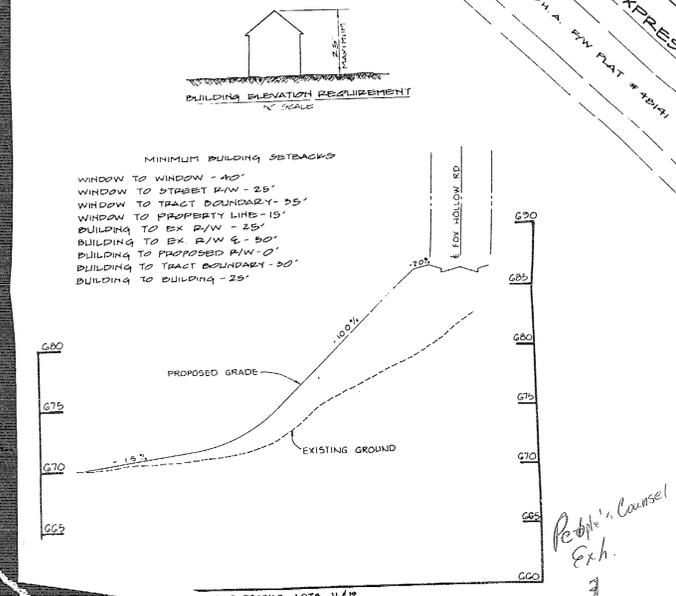
**Soils Legend**

QcB2 - CHESTER SILT LOAM - 3 TO 8 PERCENT SLOPES, MODERATELY ERODED  
 QcC2 - QUEBELG LOAM - 3 TO 8 PERCENT SLOPES, MODERATELY ERODED  
 QcD - QUEBELG LOAM - 8 TO 15 PERCENT SLOPES, MODERATELY ERODED  
 MbC2 - HANOR LOAM - 8 TO 15 PERCENT SLOPES, MODERATELY ERODED  
 QcC2 - QUEBELG LOAM - 8 TO 15 PERCENT SLOPES, SEVERELY ERODED

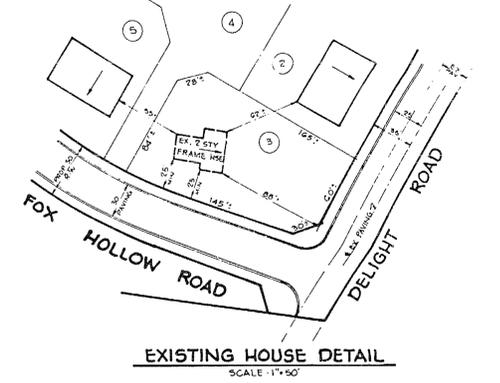
- LANDSCAPE PLANTING REQUIREMENT - ONE TREE REQUIRED FOR EACH UNIT TO BE BUILT (17 TREES)
- THIS SITE AND ADJACENT SITES ARE SERVED BY PUBLIC WATER AND SEWERAGE
- CLEANING WILL BE LIMITED TO THAT NECESSARY TO CONSTRUCT ROADS, UTILITIES, SWM PONDS AND HOUSES
- THERE WILL BE NO PILING ALLOWED WITHIN 10' OF THE EDGE OF PAVING ON ALL PANHANDLE LOTS
- UNIFORM PAINTS/NEWSPAPERS TRASH RECEPTACLES TO BE PROVIDED FOR PANHANDLE LOTS LANDSCAPING TO BE PROVIDED ALONG ALL PANHANDLE DRIVEWAYS. TRASH RECEPTACLES TO BE 16 G. MINIMUM.
- THE BATHROOM GAS AND ELECTRIC R/W'S ARE NOT OWNED BY THE DEVELOPER AND WERE NOT USED IN THE DENSITY CALCULATIONS
- SIDEWALKS ARE TO BE CONSTRUCTED ALONG ALL PUBLIC ROADS SERVING THIS SITE
- THE RIGHT OF WAY FOR THE PUBLIC ROAD CROSSING OF THE B.G.V. PROPERTY TO BE ACQUIRED BY BATHURST COUNTY AND B.G.V. PROPERTY
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- THE MEASURES TO BE TAKEN TO MITIGATE THE EFFECTS OF DEVELOPMENT ON SOILS WITH MODERATE OR SEVERE LIMITATIONS ARE:
- GRADING WILL BE LIMITED IN THE AREA OF SOILS WITH MODERATE OR SEVERE LIMITATIONS.
  - PROVIDE SUBSURFACE DRAINAGE AS NECESSARY.
  - GRADING WILL BE LIMITED TO THAT NECESSARY TO CONSTRUCT ROADS AND UTILITIES, AND IN IMMEDIATE AREAS OF PROPOSED DWELLINGS.
  - SEDIMENT CONTROL DEVICES WILL BE INSTALLED BEFORE ANY GRADING IS PERFORMED.
  - SWM PONDS WILL BE UTILIZED AS TEMPORARY SEDIMENT CONTROL TRAPS TO MINIMIZE THE AMOUNT OF SITE GRADING.
  - WATER QUALITY WILL BE PROVIDED AT ALL STORM DRAIN OUTFALLS.
  - ALL SITE RUNOFF WILL BE CONVERTED TO A SUITABLE OUTFALL.
  - DUST CONTROL WILL BE PROVIDED BY APPROVED METHODS DURING GRADING.



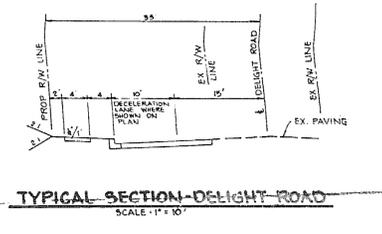
**SECTION ONE**  
 APPROVED - PUBLIC SERVICES CRG # 89-250  
 PLANNING NO. IV-379



NOTE SECTION 2 IS SELF SUFFICIENT WITH REGARD TO DENSITY AND DENSITY CALCULATIONS

**DENSITY CALCULATIONS - SECTION 2 ONLY**

1) GROSS AREA - SECTION 2	0.57 AC±
2) AREA HIGHWAY WIDENING	0.18 AC±
3) NET AREA	0.39 AC±
4) NO OF UNITS ALLOWED	0.57 AC ± 17.1 OF 17 UNITS
5) NO OF UNITS PROPOSED	17 UNITS (FOR SALE)
6) PARKING REQUIRED	17 x 2 = 34 SPACES REQ'D
7) PARKING PROVIDED (PARKING TO BE PROVIDED IN DRIVEWAYS)	34 SPACES
8) OPEN SPACE REQUIRED	NONE
9) OPEN SPACE PROVIDED	NONE
10) ENTIRE SITE IS ZONED D.D. 2	NONE
11) LANDSCAPING REQUIRED	(1) TREE PER LOT = 17 TREES



**CRG PLAN SECTION 2 "FOX HAVEN ESTATES"**

SCALE: 1"=100'  
 4-B ELECTION DISTRICT

**APPLICANT / DEVELOPER**  
 STREPTON PROPERTIES GENERAL PARTNERSHIP  
 807 FREDERICK LANE  
 WESGAP, MD. 20794  
 (301) 412-2201

JUN 14 1990  
 DATE: FEBRUARY 20, 1990  
 BALTIMORE CO., MD.

**OWNER**  
 CHARLES L. PLAYS  
 110 DELIGHT ROAD  
 PARCEL # 17  
 0706/411  
 TAX ACCT. # 04-15-021500

**PLANNING NO. IV-379**

**BALTIMORE COUNTY MD. COUNTY REVIEW GROUP**  
 This Plan Was Reviewed By The CRG On 3-16-90. With The Following Action Taken

**Legend**

- EXISTING CONTROL
- PROPOSED CONTROL
- ZONING LINE
- SOIL LIMITATIONS
- EX. ROAD LINE
- PROPOSED STREETLIGHT
- PROPOSED HOUSE

DATE	REVISION
3-9-90	REVISED AS PER P.S. CRG COMMENTS DATE 3-5-90
4-11-90	REVISED AS PER CRG COMMENTS

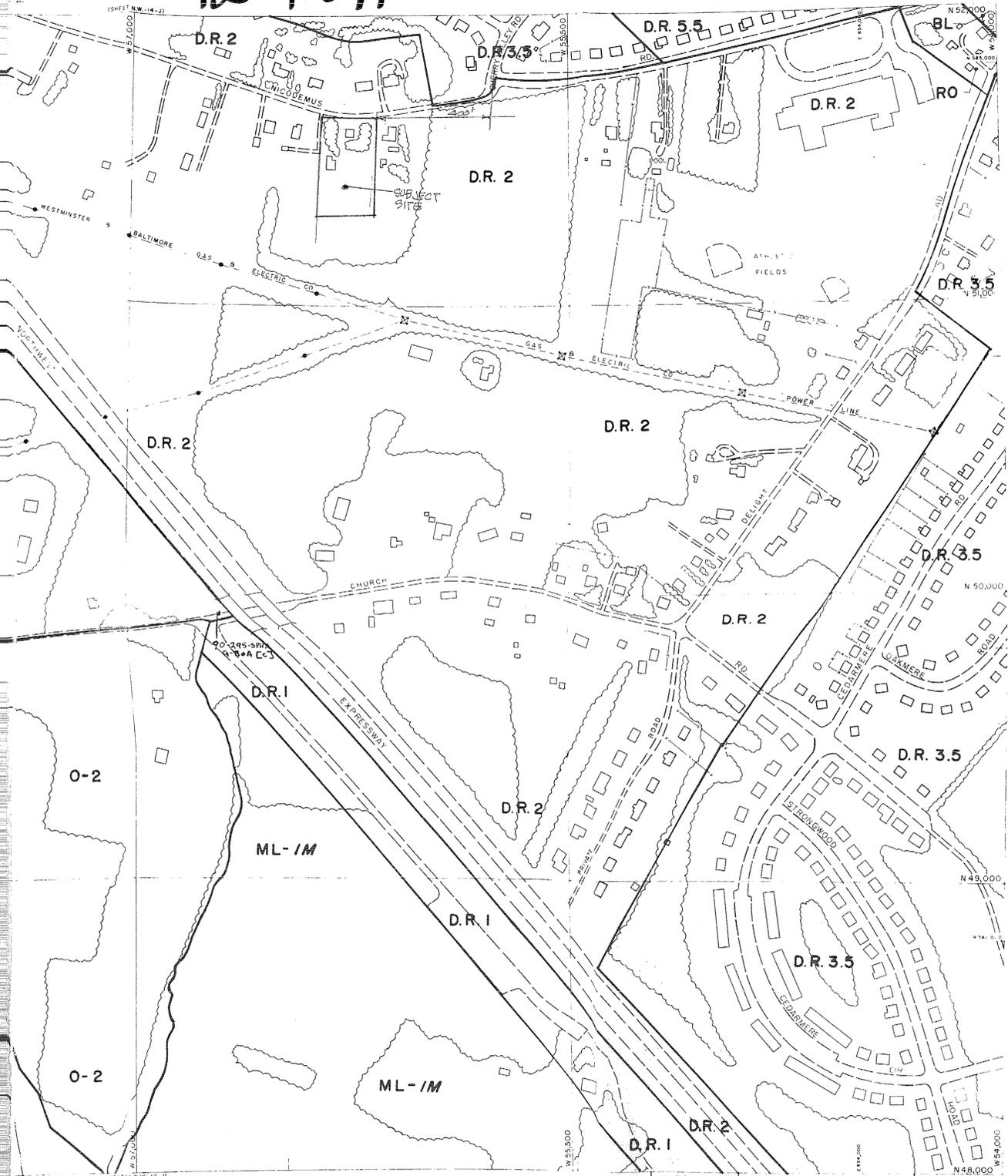
**VITTI, ROBEL & ASSOCIATES INC.**  
 ENGINEERING & SURVEYING  
 1717 YORK ROAD SUITE 2-B  
 LUTHERVILLE, MD. 21093  
 (301) 252-4557

**PLAN APPROVED**

Plan Approved DPW  
 Plan Approved OPZ  
 Approval Expiration Date 3-16-93

Plan Disapproved  
 Continued Mtg. Required  
 Plan Referred To Plan Bd.

92-406-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
SPECIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION DELIGHT VICINITY	SHEET N.W. 13-J
DATE OF PHOTOGRAPHY JANUARY 1986		



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION DELIGHT VICINITY	SHEET N.W. 13-J
DATE OF PHOTOGRAPHY JANUARY 1986		



Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21284

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE #92-406-A (Item 445)  
S/S Nicodemus Road, 400' W of Cherry Valley Road  
211 Nicodemus Road  
4th Election District - 3rd Councilmanic  
Petitioner(s): Jeffrey W. and Charles H. Sheldon  
HEARING: THURSDAY, JULY 2, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Variance to allow a height of 20 feet in lieu of the required 15 feet; and to allow an accessory structure larger in area in lieu of the subordinate to the principal dwelling.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: Jeffrey and Charles H. Sheldon

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21284

887-3353

May 19, 1992

Mr. Jeffrey W. Sheldon  
211 Nicodemus Road  
Reisterstown, MD 21136

RE: Item No. 445, Case No. 92-406-A  
Petitioner: Jeffrey W. Sheldon, et ux  
Petition for Administrative Variance

Dear Mr. Sheldon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21284

887-3353

RECEIVED

Your petition has been received and accepted for filing this 27th day of April 1992.

*Carl Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Jeffrey W. Sheldon, et ux  
Petitioner's Attorney:

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 7, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 4, 1992

LEGAL OWNER: Jeffrey W. Sheldon 445

There are no comments for this site.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJP/dm

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 12, 1992

FROM: J. Lawrence Pilson 445

SUBJECT: ZAC Meeting 5-4-92 - Jeffrey W. Sheldon  
and Charles H. Sheldon - S/S Nicodemus Road  
400' W of Cherry Valley Road (#211 Nicodemus Road)  
D-4 - Private Water and Sewer

The above-referenced matter has been reviewed by the Department of Environmental Protection and Resource Management. Comments are as follows:

Condition and location of septic must meet requirements.  
If you have any questions, please contact me at extension 2762.

*J. Lawrence Pilson*  
J. Lawrence Pilson, Development Coordinator  
Department of Environmental Protection  
and Resource Management

JLP:tj1  
SHELDON.ZON/TXTS8P

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21284-5500

MAY 8, 1992 (301) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21284

RE: Property Owner: JEFFREY W. SHELDON AND CHARLES H. SHELDON  
Location: #211 NICODEMUS ROAD  
Item No.: 445 (RT) Zoning Agenda: MAY 4, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. .01 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Reich* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: May 7, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for May 11, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following properties:

Scripps Howard Broadcasting Company  
6400 York Road

Huntington Development Corporation  
3216 Huntington Tweed Drive

Waldon J. Stevanus & Margaret O. Stevanus  
8524 Vollmert Avenue

Rita L. Ruff  
1307 Elma Road

Jeffrey W. Sheldon & Charles H. Sheldon 445  
211 Nicodemus Road

Eric vanden Beemt & Patricia vanden Beemt  
18616 Remare Road

Wm R. Sturgeon & Carol L. Sturgeon  
8716 Windsor Mill Road

Warren E. Downey & Linda M. Downey  
1227 Weddel Avenue

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:DAR:s

Department of Recreation and Parks  
Development Review Committee Response Form

Project Name: *Walden Park* Date: *5/4/92*

File Number: 1500 Glencoe Road - Oldfields School, Inc. 432  
CR-92-399-XA 4-27-92

STP DEPRM RP (To EIRD) *No Comments*

Project Name	Waiver Number	Zoning Issue	Meeting Date
George Raduano And Elizabeth Raduano	#440	<i>No Comments</i>	5-4-92
Scripps Howard Broadcasting Company	#441	<i>No Comments</i>	
Huntington Development Corporation (Hunting Tweed Drive)	#442	<i>No Comments</i>	
Waldon J. And Margaret O. Stevanus	#443	<i>No Comments</i>	
Rita L. Ruff	#444	<i>No Comments</i>	
Jeffrey W. And Charles H. Sheldon	#445	<i>No Comments</i>	
Eric and Patricia vanden Beemt	#446	<i>No Comments</i>	
William R. And Carol L. Sturgeon	#447	<i>No Comments</i>	
Larry R. And Dianna L. Long	#448	<i>No Comments</i>	
Warren E. And Linda M. Downey	#449	<i>No Comments</i>	

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: May 6, 1992

SUBJECT: 211 Nicodemus Road

INFORMATION:  
Item Number: 445

Petitioner: Jeffrey W. Sheldon

Property Size: 1.39 Acre

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a variance to allow an accessory structure of 20' in height in lieu of the required 15' which is higher than the principal residence. The purpose of this request is to house a cabin cruiser and provide overhead storage. This office has no objection to the requested variance, however, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting storage to the personal property of occupants of the principal dwelling only.

a:sheldon.txt  
zac.txt

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

April 30, 1992

(410) 887-3353

Jeffrey W. and Charles H. Sheldon  
211 Nicodemus Road  
Reisterstown, Maryland 21136

Re: CASE NUMBER: 92-406-A  
LOCATION: S/S Nicodemus Road, 400' W of Cherry Valley Road  
211 Nicodemus Road  
4th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 11, 1992. The closing date is May 26, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

Printed on Recycled Paper

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 2, 1992

Jeffrey and Charles Sheldon  
211 Nicodemus Road  
Reisterstown, Maryland 21136

Re: CASE NUMBER: 92-406-A

Dear Petitioners:

Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the reposting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt

Zoning Commissioner  
of Baltimore County, Maryland

COPY

IN THE MATTER OF : BEFORE THE COUNTY BOARD OF APPEALS  
JEFFREY SHELDON, et al. : OF BALTIMORE COUNTY

Case No. 92-406-A

Subpoena

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday, September 29, 1992, 10:00 a.m., Room 48, located at the Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: James W. Shea, III

Address: Building Inspections

Dept. of Permits & Licenses

Basement, County Office Building

*James W. Shea, III*

Name: Peter Max Zimmerman

People's Counsel for Baltimore County

Room 47, Courthouse, 400 Washington Avenue

The witness named above is hereby ordered to so appear before the County Board of Appeals at 10:00 a.m., Wednesday, September 29, 1992.

*Charlotte S. Redcliffe*  
County Board of Appeals of Baltimore County

I CERTIFY THAT I am over 18 years of age and served the above Subpoena on August 13, 1992.

*Peter Max Zimmerman*  
Peter Max Zimmerman

RECEIVED  
COUNTY BOARD OF APPEALS  
92 JUL 21 PM 1:06

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS  
S/S Nicodemus Rd., 400' W of : OF BALTIMORE COUNTY  
Cherry Valley Rd. (211 Nicodemus :  
Road), 4th Election District : Zoning Case No. 92-406-A  
3rd Councilmanic District :  
JEFFREY W. SHELDON, et al., :  
Petitioners : : : : :  
: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 6th day of October, 1992, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Lockhart, Esquire, Lockhart & Associates, Chartered, 1111 Park Ave., Suite L150, Baltimore, MD 21201, Attorney for Petitioners.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman

92 OCT 9 - 6 AM 8:47  
RECEIVED  
COUNTY BOARD OF APPEALS

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Nicodemus Road, 400' W of \* COUNTY BOARD  
Cherry Valley Road \*  
(211 Nicodemus Road) \* OF APPEALS OF  
7th Election District \* BALTIMORE COUNTY  
3rd Councilmanic District \*  
Case No: 92-406-A \*  
\* \* \* \* \*

ENTRY OF APPEARANCE

Madame Clerk:

Please enter the appearance of the undersigned counsel in the above-captioned matter, on behalf of Mr. Jeffrey W. Sheldon, et al., Petitioners. The undersigned should be consulted prior to any rescheduling of the hearing on this case and should receive copies of all correspondence related thereto.

*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.  
LEVIN & GIBB, P.A.  
305 West Chesapeake Avenue  
Suite 113  
Towson, MD 21204  
(410) 321-0600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 1992, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, First Class United States Mail to: Phyllis Cole Friedman, Esquire, People's Counsel for Baltimore County, Court House, Towson, MD 21204.

*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.

92 NOV 4 - 4 AM 26  
RECEIVED  
COUNTY BOARD OF APPEALS

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
South side Nicodemus Road \* ZONING COMMISSIONER  
400 West of Cherry Valley Road \* OF BALTIMORE COUNTY  
211 Nicodemus Road \*  
4th Election District \* Case #: 92-406-A  
3rd Councilmanic District \*  
Jeffrey W. Sheldon, et al. \*  
Petitioners \* \* \* \* \*

NOTICE OF APPEAL

PLEASE enter an appeal to the decision of the Zoning Commissioner for Baltimore County dated July 20, 1992 in the above-captioned matter.

Respectfully submitted,

*Thomas J. Lockhart*  
THOMAS J. LOCKHART  
LOCKHART & ASSOCIATES, CHARTERED  
1111 Park Avenue, Suite L150  
Baltimore, Maryland 21201  
(410) 669-5181

Attorney for the Petitioners  
Jeffrey Sheldon, et al.

RECEIVED  
PAYMENT  
8-19-92  
ZONING OFFICE

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
South side Nicodemus Road \* ZONING COMMISSIONER  
400 West of Cherry Valley Road \* OF BALTIMORE COUNTY  
211 Nicodemus Road \*  
4th Election District \* Case #: 92-406-A  
3rd Councilmanic District \*  
Jeffrey W. Sheldon, et al. \*  
Petitioners \* \* \* \* \*

NOTICE TO WITHDRAW APPEARANCE

PLEASE withdraw the appearance of Thomas J. Lockhart and Lockhart & Associates, Chartered on behalf of Jeffrey W. Sheldon, et al. in the referenced matter since Mr. Sheldon has secured other counsel.

Respectfully submitted,

*Thomas J. Lockhart*  
THOMAS J. LOCKHART  
LOCKHART & ASSOCIATES, CHARTERED  
1111 Park Avenue, Suite L150  
Baltimore, Maryland 21201  
(410) 669-5181

Attorney for the Petitioners  
Jeffrey Sheldon, et al.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17th day of September, 1992, a copy of the foregoing Notice to Withdraw Appearance was mailed, postage prepaid, to Jeffrey W. Sheldon, 211 Nicodemus Road, Reisterstown, Maryland, 21136

*Thomas J. Lockhart*  
THOMAS J. LOCKHART

# ZONING ENFORCEMENT

Baltimore County  
Zoning Office  
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Lawrence Schmidt  
Zoning Commissioner  
DATE: May 11, 1992

FROM: Derek Propolis  
Zoning Inspector

RE: 92-406A  
211 NICODEMUS ROAD

I have posted this property in accordance with County regulations. You should be made aware that the site plan is deficient and the property has massive zoning violations.

The site plan does not include a four ft. above-ground pool directly behind the home. An existing garage to the left of the dwelling and above the "existing building" is not listed.

The unlisted garage is full of plumbing supply parts, especially PVC piping. The "existing building" contains a Ditch Witch trencher and other plumber's supplies. A red/white van belonging to "Jeffrey Sheldon Plumbing and Heating" was parked on the property, as well as two trailers for hauling, one of which appears to be for the Ditch Witch. There are two unlicensed vehicles on the property as well as a pick-up truck bed.

When charging the property owners, the charges would be:

1. UNLICENSED MOTOR VEHICLE
2. JUNK YARD
3. CONTRACTOR'S EQUIPMENT STORAGE YARD
4. COMMERCIAL VEHICLE

I hope this information assists you in the decision your office makes on this case.

DP/cer

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



RECEIVED  
COUNTY BOARD OF APPEALS  
92 AUG 28 PM 2:26

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 28, 1992

Baltimore County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
S/S Nicodemus Road, 400 ft. W of Cherry Valley Road  
(211 Nicodemus Road)  
4th Election District, 3rd Councilmanic District  
JEFFREY W. SHELDON, ET AL - Petitioner  
Case No. 92-406-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 16, 1992 by Thomas J. Lockhart, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:cer

Enclosures

cc: Jeffrey W. Sheldon - 211 Nicodemus Road, Reisterstown MD 21136

Thomas J. Lockhart - Lockhart & Associates, Chartered  
1111 Park Avenue, SUITE L150, Baltimore, MD 21201

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File



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## APPEAL

Petition for Zoning Variance  
S/S Nicodemus Road, 400 ft. W of Cherry Valley Road  
(211 NICODEMUS ROAD)  
4TH Election District - 3RD Councilmanic District  
JEFFREY W. SHELDON, ET AL - Petitioner  
Case No. 92-406-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Memo from Inspector Derek Propolis RE: Violation

Petitioner's Exhibits: 1. Plat to accompany Petition

2A - 2E - Photographs of structure

Zoning Commissioner's Order dated July 20, 1992 (Denied)

Notice of Appeal received August 18, 1992 from Thomas J. Lockhart, Attorney on behalf of the Petitioner

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 298 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel, 400 Washington Avenue, Towson, MD 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of Zoning Administration  
and Development Management  
Public Services

*see cover LTR for cc's*

## APPEAL

Petition for Zoning Variance  
S/S Nicodemus Road, 400 ft. W of Cherry Valley Road  
(211 NICODEMUS ROAD)  
4TH Election District - 3RD Councilmanic District  
JEFFREY W. SHELDON, ET AL - Petitioner  
Case No. 92-406-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Memo from Inspector Derek Propolis RE: Violation

Petitioner's Exhibits: 1. Plat to accompany Petition

2A - 2E - Photographs of structure

Zoning Commissioner's Order dated July 20, 1992 (Denied)

Notice of Appeal received August 18, 1992 from Thomas J. Lockhart, Attorney on behalf of the Petitioner

cc: Jeffrey W. Sheldon - 211 Nicodemus Road, Reisterstown MD 21136

Thomas J. Lockhart - Lockhart & Associates, Chartered  
1111 Park Avenue, SUITE L150, Baltimore, MD 21201

People's Counsel, 400 Washington Avenue, Towson, MD 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of Zoning Administration  
and Development Management  
Public Services

## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48, Old Courthouse  
400 Washington Avenue  
(410) 887-3180  
July 21, 1993

### NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-406-A JEFFREY W. SHELDON, ET AL  
S/S Nicodemus Road, 400' W of  
Cherry Valley Road (211 Nicodemus Road)  
4th Election District;  
3rd Councilmanic District

VAR-Garage height and size

7/20/92 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 29, 1993 AT 10:00 a.m.

cc: Howard L. Alderman, Esquire Counsel for Petitioner/Appellant  
Mr. Jeffrey W. Sheldon Petitioner/Appellant

People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant



Printed with Dayman Ink on Recycled Paper

7/21/93- Following parties notified of hearing set for September 29, 1993 at 10:00 a.m.:

Howard L. Alderman, Esquire  
Mr. Jeffrey W. Sheldon  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48, Old Courthouse  
400 Washington Avenue  
(410) 887-3180  
October 29, 1992

### NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-406-A JEFFREY W. SHELDON, ET AL  
S/S Nicodemus Road, 400' W of  
Cherry Valley Road (211 Nicodemus Road)  
4th Election District;  
3rd Councilmanic District

VAR-Garage height and size

7/20/92 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, JANUARY 12, 1993 AT 10:00 a.m.

cc: Thomas J. Lockhart, Esquire Counsel for Petitioner/Appellant  
Mr. Jeffrey W. Sheldon Petitioner/Appellant

People's Counsel for Baltimore County  
P. David Fields  
Public Services  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul  
Legal Secretary

Howard L. Alderman, Jr., Esquire  
(Entered appearance 11/04/92)  
Counsel for Jeffrey W. Sheldon, et al



Printed on Recycled Paper

10/29/92 - Following parties notified of hearing set for January 12, 1993 at 10:00 a.m.:

Thomas J. Lockhart, Esquire  
Mr. Jeffrey W. Sheldon  
People's Counsel for Baltimore County  
P. David Fields  
Public Services  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

11/04/92 -Howard L. Alderman, Jr., Esquire entered appearance as Counsel for Jeffrey W. Sheldon, et al; copy of notice sent to Mr. Alderman.

1/11/93 -T/C from H. Alderman, Esq. -to request continuance of matter pending possible resolution of issues; discussed w/P. Friedman; no objection to continuance; she will not appear on 1/12/93 if Board grants Alderman's request. To be granted.

1/12/93 -Continuance granted on record as requested by H. Alderman. To be reassigned upon request of parties of record.

6/28/93 -Ltr from P. Zimmerman --requesting rescheduling of matter for hearing by Board. Case to be set in normal course of scheduling.

January 5, 1994

Howard L. Alderman, Jr., Esquire  
 LEVIN & GANN, P.A.  
 Suite 113  
 305 W. Chesapeake Avenue  
 Towson, MD 21204

RE: Case No. 92-406-A  
 Jeffrey W. Sheldon, et al

Dear Mr. Alderman:  
 Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,  
*Kathleen C. Weidenhammer*  
 Kathleen C. Weidenhammer  
 Administrative Assistant

Enclosure

cc: Mr. Jeffrey W. Sheldon  
 People's Counsel for Baltimore County  
 Jim Shea /Building Inspection  
 P. David Fields  
 Lawrence F. Schmidt  
 Timothy M. Kotroco  
 W. Carl Richards, Jr.  
 Docket Clerk /ZADM  
 Arnold Jablon, Director /ZADM

Howard L. Alderman, Jr., Esquire  
 LEVIN & GANN, P.A.  
 Suite 113  
 305 W. Chesapeake Avenue  
 Towson, MD 21204

RE: Case No. 92-406-A  
 JEFFREY W. SHELDON, ET AL

Dear Mr. Alderman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,  
*Charlotte E. Radcliffe*  
 Charlotte E. Radcliffe  
 Legal Secretary

cc: Jeffrey W. Sheldon  
 People's Counsel for Baltimore County

TO: Arnold Jablon, Director  
 Zoning Administration &  
 Development Management  
 DATE: April 5, 1994

FROM: Charlotte E. Radcliffe  
 County Board of Appeals

SUBJECT: Closed File: Case No. 92-406-A  
 JEFFREY W. SHELDON, ET AL  
 District 4C3

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

PETER MAX ZIMMERMAN  
 People's Counsel

CAROLE S. DEMILIO  
 Deputy People's Counsel

June 28, 1993

Ms. Kathleen C. Weidenhammer  
 Administrative Assistant  
 County Board of Appeals  
 Room 49, Courthouse  
 400 Washington Avenue  
 Towson, Maryland 21204

RE: Jeffrey W. Sheldon, et al.,  
 Petitioner - No. 92-406-A

Dear Ms. Weidenhammer:

Please react this case in for a hearing at a suitable and convenient time.

Very truly yours,  
*Peter Max Zimmerman*  
 Peter Max Zimmerman  
 People's Counsel for Baltimore County

cc: Howard L. Alderman, Jr., Esquire

PMZ:sh

00 11 00  
 JUN 28 1993  
 COURT BOARD OF APPEALS

*Schedule in name case of setting case*

LOCKHART & ASSOCIATES, CHARtered  
 ATTORNEYS AT LAW

BALTIMORE CITY OFFICE  
 1111 PARK AVENUE  
 SUITE 1150  
 BALTIMORE, MARYLAND 21201

(410) 669-5181

BALTIMORE COUNTY OFFICE  
 308 MAIN STREET  
 REISTERSTOWN, MARYLAND 21108  
 (410) 833-7770

September 11, 1992

Baltimore County Zoning  
 Office of Planning & Zoning  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

RE: Petition for Zoning Variance S/S  
 Nicodemus Road, 400 Ft. W of Cherry Valley  
 Road (211 Nicodemus Road)  
 4th Election District  
 3rd Councilmanic District  
 Jeffrey W. Sheldon, et al. - petitioner  
 Case #: 92-406-A

Dear Sir or Madam:

Enclosed please find a Notice of Withdrawal of Appearance with regard to the referenced case.

Should you have any questions, please feel free to contact my office.

Very truly yours,

*Thomas J. Lockhart*  
 THOMAS J. LOCKHART

TJL/ban  
 Enclosure

RECEIVED  
 SEP 15 1992

ZONING OFFICE



Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 211 W. Nicodemus Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_  
 plat book # \_\_\_\_\_, folio # \_\_\_\_\_, lot # \_\_\_\_\_, section # \_\_\_\_\_

OWNER: \_\_\_\_\_  
NICODEMUS ROAD - 216' FRONT

Map showing property boundaries, lot numbers, and zoning districts. Includes a vicinity map and location information.

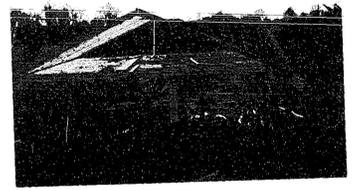
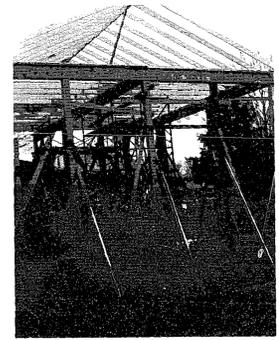
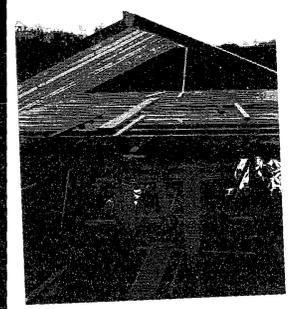
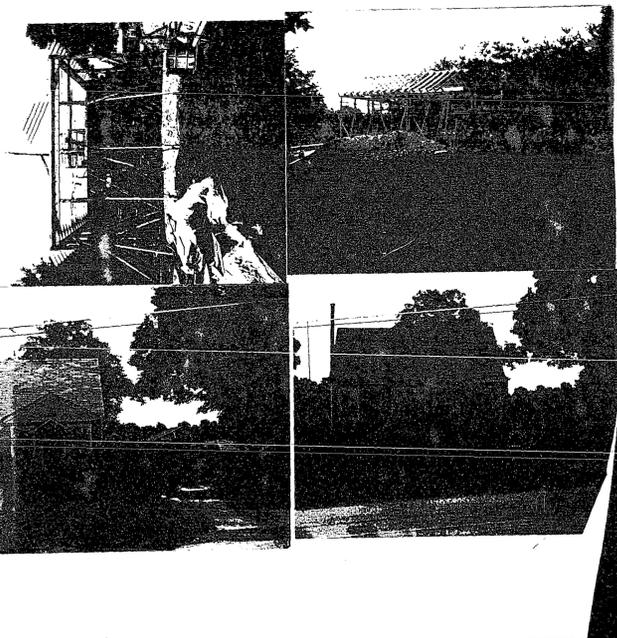
North  
 date: 9/27/92  
 prepared by: J.S. Scale of Drawing: 1" = 50'

LOCATION INFORMATION  
 Councilmanic District: \_\_\_\_\_  
 Election District: 4  
 1"=200' scale map:  
 Zoning: DR. 2  
 Lot size: 1.37 acreage square feet

SEWER:  public  private  
 WATER:    
 Chesapeake Bay Critical Area:    
 Prior Zoning Hearings: \_\_\_\_\_

Zoning Office USE ONLY!  
 reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

92-406-A



$18 \times 18 = 180 \square$   
 $20 \times 32 = 640 \square$   
 $44 \times 25 = 1100 \square$   


---

 $1920 \square$

Pet. Ex. 2

**Plat to accompany Petition for Zoning Variance Special Hearing**

PROPERTY ADDRESS: 211 NICODEMUS ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_  
 plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: \_\_\_\_\_  
NICODEMUS ROAD - 210' PAVING

Scale of Drawing: 1" = 50'

North  
 date: 4/27/92  
 prepared by: J.S.

**LOCATION INFORMATION**

Councilmanic District: \_\_\_\_\_  
 Election District: 4

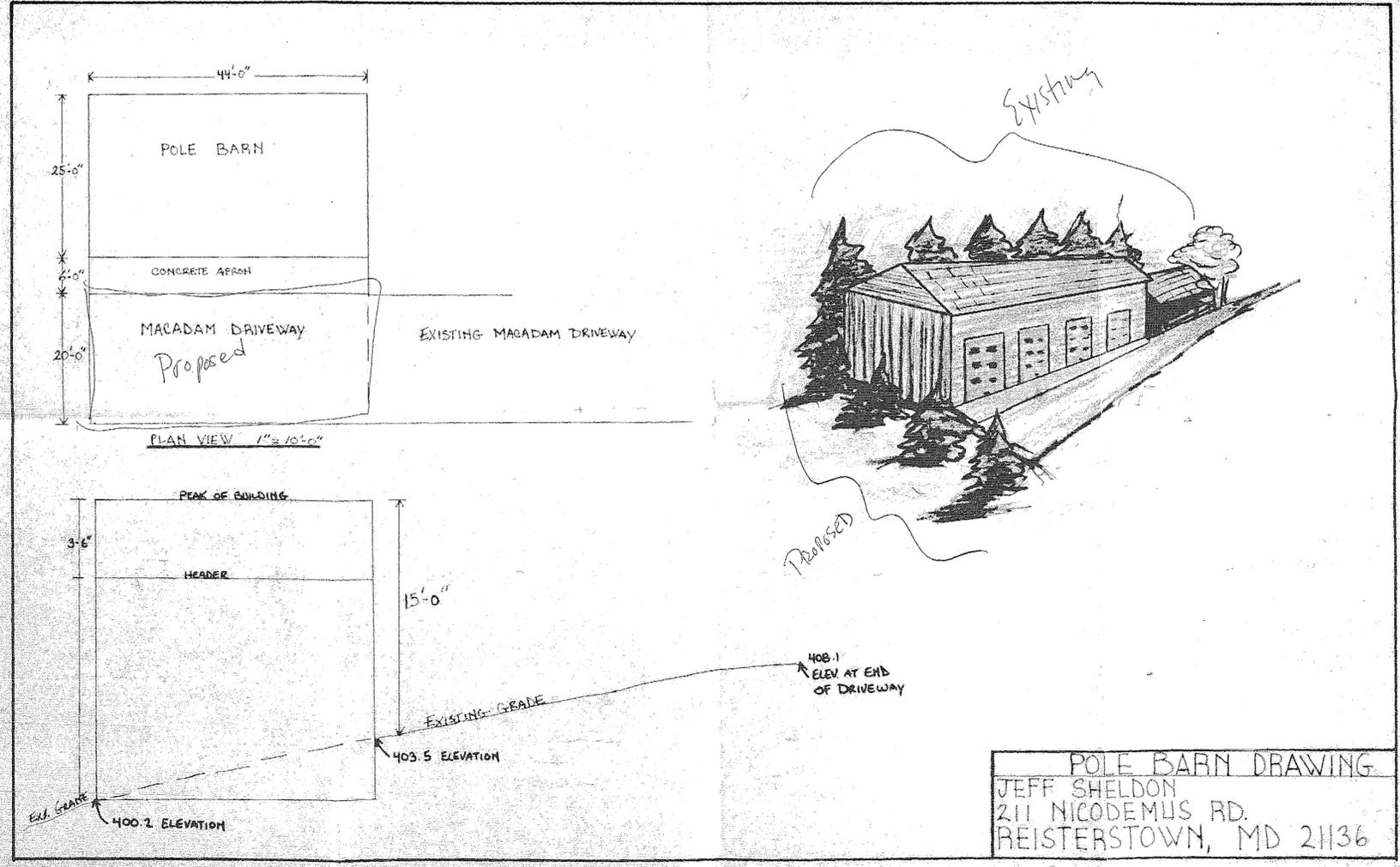
1"-200' scale map#:  
 Zoning: DR-2

Lot size: 1.39 acreage    square feet

SEWER:  public  private  
 WATER:    
 Chesapeake Bay Critical Area:    
 Prior Zoning Hearings: \_\_\_\_\_

**Zoning Office USE ONLY!**  
 reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

*Pet. No. 1*



**POLE BARN DRAWING**  
 JEFF SHELDON  
 211 NICODEMUS RD.  
 REISTERSTOWN, MD 21136

Pet. Ex 3

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT AND DECLARATION OF COVENANTS (hereinafter the "Agreement") is made this 29th day of September, 1993, by and among JEFFREY W. SHELDON and CHARLES H. SHELDON (hereinafter the "Owners") and FRANK L. STAPLETON, WILLIAM R. HOWARD, JR., DOROTHY A. KELLEY AND BERTHOLD HOEFFLE (hereinafter collectively referred to as the "Neighbors").

WHEREAS, the Owners, by virtue of a deed recorded among the Land Records of Baltimore County at Liber 7501, folio 373, currently own the real property located at 211 Nicodemus Road, Reisterstown, Maryland, located in the 4th Election District and the 3rd Councilmanic District of Baltimore County, Maryland (hereinafter the "Subject Property"); and

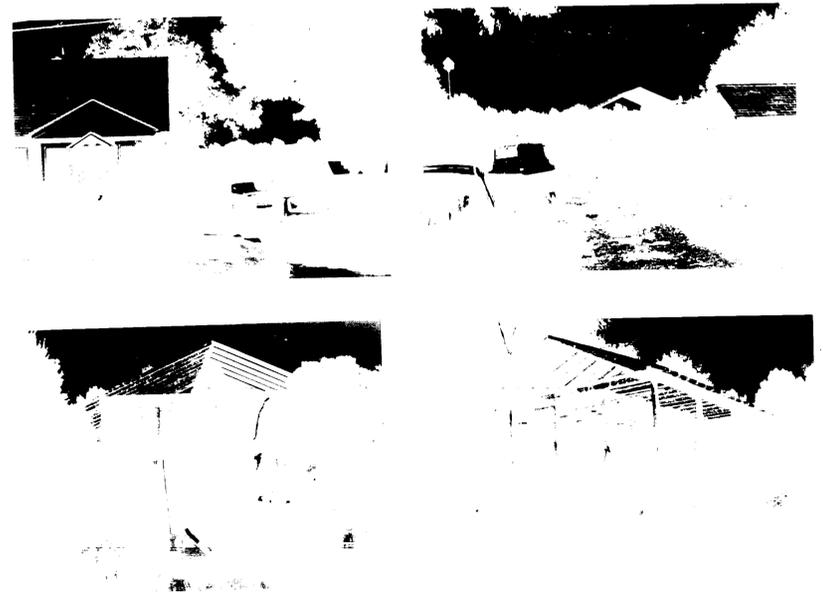
WHEREAS, the Owners have sought zoning variances on the Subject Property to permit the construction of an addition to an existing accessory building, said variances having been denied by the Zoning Commissioner for Baltimore County in Case No. 92-406-A, and which are pending on appeal before the County Board of Appeals for Baltimore County (hereinafter the "Board"); and

WHEREAS, the Neighbors reside adjacent to or in the immediate vicinity of the Subject Property; and

WHEREAS, the Neighbors have reviewed the proposed construction on the Subject Property and the zoning relief requested; and

WHEREAS, the Neighbors have no objection to the zoning relief requested and the proposed construction subject to certain conditions.

PHOTOS - Pet. EXHIBITS  
2A-2E  
4A-4E  
5A-5D  
P.C. 2A-2B  
Photos



APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF BUILDING ENGINEER TOWSON, MARYLAND 21204. PERMIT # 49, RECEIPT # 707, CONTROL # 297, XREF #. PROPERTY ADDRESS 211 NICODEMUS ROAD, HISTORIC DISTRICT/BLDG. OEA: CB. TAX ACCOUNT # 04-07-047526. OWNER'S INFORMATION (LAST, FIRST, MIDDLE) SHELDON, JEFFREY W. COMPANY: SHELDON, JEFFREY W. ADDRESS: 211 NICODEMUS ROAD. PHONE # 410-830-7440. MHC LICENSE #. APPLICANT SIGNATURE: JEFFREY W. SHELDON. CONTRACTOR SIGNATURE: DANIELA. DESCRIBE PROPOSED WORK: (Consistent with existing shed on rear of property). TYPE OF IMPROVEMENT: 1. NEW BLDG CONST. TYPE OF CONSTRUCTION: 1. MASONRY, 2. WOOD FRAME, 3. STRUCTURE STEEL, 4. REIN. CONCRETE. TYPE OF HEATING FUEL: 1. GAS, 2. OIL, 3. ELECTRICITY, 4. SOLID FUEL. TYPE OF SEWAGE DISPOSAL: 1. PUBLIC SEWER, 2. PRIVATE SEWER, 3. SEPTIC, 4. PRIVY. TYPE OF WATER SUPPLY: 1. PUBLIC SYSTEM, 2. PRIVATE SYSTEM. ESTIMATED COST: \$5000.00. EXISTING USE: SHED. OWNERSHIP: PRIVATELY OWNED. RESIDENTIAL CATEGORY: 1. DETACHED, 2. SEMI-DET, 3. GROUP, 4. TOWNHSE, 5. MIDRISE, 6. HIGHRISE. BUILDING SIZE: 130 x 334. LOT SIZE AND SETBACKS: 30 x 150. APPROVAL SIGNATURES: [Signatures]

PETITION FOR RESIDENTIAL VARIANCE. PET. EX. 7. 91-44-A. THE PETITIONERS, legal owners of the property located in Baltimore County and which is described by the description and plat attached hereto and made a part hereof, petition for a variance from Section 106 (C.R.C.S.). To permit an accessory structure (garage) to be larger in area than the principal structure (an existing dwelling) on a residential lot. APPLICANT SIGNATURE: Harold Miller. CONTRACTOR SIGNATURE: Dana K. McLaughlin. DATE: 11/29/93.



ORDER RECEIVED FOR FILING  
Date 11/29/93  
By [Signature]

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 89-160-SPH. Harold Joseph Miller, et al Petitioners.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the construction and building of cannons in an accessory structure on the subject property as a Home Occupation, as more particularly described in Petitioner's Exhibits 1 through 9.

The Petitioners, by Harold Miller, property owner, and Paul and Sue Miller, Harold Miller's son and daughter-in-law, appeared and testified. Also appearing on behalf of the Petition were the following: Dora Megenhardt, George and Lisa Dietz, Mrs. Roger R. Roussell, Sr., and Mr. & Mrs. Gary Wagner. There were no Protestants.

Testimony indicated that the subject property, known as 1316 Lafayette Avenue and zoned D.R. 5.5, is located on the corner of Lafayette and Central Avenues. The property is currently improved with a one story frame dwelling in the front and a one story frame building with a gravel parking area in the rear. All of the Petitioners reside in the dwelling on the subject property. Paul Miller testified that for approximately the past seven years he has constructed cannons in the accessory building to the rear of the property. He indicated that he makes an average of 12 to 15 cannons per year. Mr. Miller testified he has never made more than 20 cannons in any one year due to the length of time needed for construction and assembly, depending upon the size and type requested. These cannons

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